

CR



PTO/SB/21 (07-06)  
Approved for use through 09/30/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
(Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.)

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/812,298
	Filing Date	March 29, 2004
	First Named Inventor	Guitton
	Art Unit	Not yet assigned
	Examiner Name	Not yet assigned
Total Number of Pages in This Submission	Attorney Docket Number	AUR-2001US01

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):  COPY - Refs D3, D4, D5, D8, D9, D10 and Return Receipt Postcard.
Remarks  The Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayments associated with this submission to the PIERCE ATWOOD LLP Deposit Account No. 50-0282.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	PIERCE ATWOOD LLP		
Signature			
Printed name	KEVIN M. FARRELL		
Date	11/6/04	Reg. No.	35,505

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	DEBRA J. KELLOM	Date	11/7/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Guitton et al.  
Application No.: 10/812,298  
Filed: March 29, 2004  
Examiner: Not yet assigned  
Art Unit: Not yet assigned  
Title: METHODS FOR THE TREATMENT OF TINNITUS INDUCED BY COCHLEAR  
EXCITOTOXICITY  
Docket No.: AUR-2001US01

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with The United States Postal Service as First Class Mail in an envelope Addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>11/7/2006</u>	
<u><i>D. Kelton</i></u>	<u>11/7/2006</u>
PIERCE ATWOOD	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☒ under 37 CFR 1.97(b), or

(Filed within three months of filing national application; within three months of date of entry of national stage of international application; or before mailing date of first office action on the merits; whichever occurs last)

☐ under 37 CFR 1.97(c) together with either:

☐ a Certification under 37 CFR 1.97(e), or

☐ a \$180.00 fee set forth in 37 CFR 1.17(p), or

(Filed after the CFR 1.97(b) time period, but before final action or notice of allowance)

The undersigned hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.

- ☐ under 37 CFR 1.97(d) together with:  
☐ a Certification under 37 CFR 1.97(e), and  
☐ a fee set forth in 37 CFR 1.17(p).

(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Method of Fee Payment:

- ☐ Enclosed is a check in the amount of \$\_\_\_\_\_.
- ☐ Please charge Deposit Account 500282 in the amount of \$\_\_\_\_\_.
- ☐ Two duplicate copies of this Statement are enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 500282.

Enclosed herewith is form PTO-1449:

- ☐ Copies of the cited references are enclosed.
- ☒ Copies of cited references are enclosed except those of record in prior applications, U.S. Serial Nos. , and references that are not required to be submitted under Rule 98.

Concise Explanation Requirements:

- ☒ The "concise explanation" requirement under C.F.R. 1.98(a)(3) is satisfied by:
- ☒ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,



Kevin M. Farrell  
Attorney for Applicants  
Registration No. 35,505  
(603) 433-6300

Portsmouth, NH

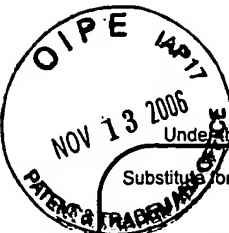
Dated: 10/30/04

P0109753.DOC

**Concise Explanation under C.F.R. 1.98(a)(3)**

Regarding cited reference D4 (Puel et al.2002), an English translation of this reference is not readily available to any individuals designated in § 1.56(c).

In the Opinion of an International Search Report, reference D4 was disclosed as a document of particular relevance in view of which the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone. The Opinion states that D4 discloses “the use of various NMDA receptor antagonists for treating tinnitus...” on page 1, lines 1-16; page 3, line 15 – page 4, line 13; page 12, lines 8 – 16; page 14, line 5 – page 16, line 10. The Opinion further states that “NMDA antagonists have been already described in the prior art as being useful in the treatment of tinnitus” and that the present invention appears to be an obvious alternative over reference D4.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**Complete if Known****INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 1

Application Number	10/812,298
Filing Date	March 29, 2004
First Named Inventor	Matthieu Guitton
Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket Number	AUR-2001US01

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	D3	M.J. GUITTON, ET AL., Cochlear NMDA receptors and tinnitus, Audiological Medicine 2(1): 3-7 (Mar. 2004).	
	D4	J. PUEL ET AL., Treatment of tinnitus. New perspectives!, Presse Medicale 31(24): 1137-1143 (Jul. 2002).	
	D5	J.J. SIMPSON ET AL., Recent advances in the pharmacological treatment of tinnitus, Trends in Pharmacological Sciences 20(1): 12-18 (Jan. 1999).	
	D8	M. J. GUITTON ET AL., New pharmacological strategies to restore hearing and treat tinnitus, ACTA OTO-Laryngologica 124(4): 411-15 (May 2004).	
	D9	J.A. KALTENBACH ET AL., Plasticity of spontaneous neural activity in the dorsal cochlear nucleus after intense sound exposure, Hearing Res 147 (1-2): 282-292 (Sept. 2000).	
	D10	M. KENMOCHI ET AL., Salicylate and quinine affect the central nervous system, Hearing Res 113(1-2): 110-116 (1997).	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.